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UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

IN RE DIRECTIVES TO YAHOO!, INC.
PURSUANT TO SECTION 105B OF THE
FOREIGN INTELLIGENCE SURVEILLANCE
ACT (S)

Docket Number 105B(g): 07-01

ORDER

The Government's directives to Yahoo!, Inc. (hereafter, "Yahoo") state:

The Government will 


Yahoo's Memorandum in Opposition to Motion to Compel states that "[t]he Directives encompass surveillance of U.S. citizens in two ways: (a) surveillance that targets U.S. citizens who are temporarily abroad; and (b) surveillance that captures communications of U.S. citizens at home who are communicating with the target of the surveillance. Under those two situations, the surveillance authorized by the Directive **invades the reasonable expectation of privacy of U.S. citizens** and must, therefore, comply with the Fourth Amendment." Memorandum, at 7 (emphasis added, footnote and citations omitted).

As an aid to the Court in resolving the Motion to Compel,

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IT IS HEREBY ORDERED,

The parties shall provide further briefing on the following issue:

Do the directives to Yahoo require Yahoo to assist the government in acquiring any class of communications or information in which a U.S. citizen would have a legitimate expectation of privacy under the Fourth Amendment?

IT IS FURTHER ORDERED,

Each party shall file its brief no later than February 13, 2008, and the brief may not exceed ten pages.

IT IS SO ORDERED, this 6th day of February 2008.



REGGIE B. WALTON
Judge, United States Foreign Intelligence
Surveillance Court

I, Karen E. Sutton, Clerk,
FISC, certify that this document
is a true and correct copy
of the original. *KES*

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